

Subject: Fwd: Urgent Alert: Supreme Court Issues Decision Regarding Personal Devices
From: "Miranda Paster" <miranda.paster@lacity.org>
Date: 3/9/17, 4:29 PM
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fyi

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From: **Civitas Advisors** <marketing@civitasadvisors.com>

Date: Thu, Mar 9, 2017 at 4:00 PM

Subject: Urgent Alert: Supreme Court Issues Decision Regarding Personal Devices

To: miranda.paster@lacity.org



Urgent Alert: Supreme Court Issues Decision Regarding Personal Devices

March 9, 2017

The use of personal email accounts and devices by public officials is a hot topic throughout the United States. California just became the epicenter of the debate, with a new California Supreme Court ruling regarding the use of personal emails and text messages.

All California property and business improvement districts, and any business or tourism improvement district formed under the 1994 Law, are subject to the Public Records Act. Most districts formed under the 1989 Law are also subject to the Public Records Act.

The California Public Records Act requires disclosure of most written records, upon receipt of a request from a member of the public. Generally, the requested records must be provided in 10 days, although under certain circumstances a 14-day extension can be implemented.

In a new ruling, the California Supreme Court has determined that district-related communications sent to private emails, or text message sent to private cell phones, are considered public records and subject to disclosure upon request.

Because most assessment districts are overseen by a volunteer Board of Directors, the use of private emails and text messages is commonplace. This new Court ruling requires that practice be re-considered, as any messages and emails will have to be disclosed if they are responsive to a request received.

We recommend that every district enact a written policy relating to records, which policy should be provided to and reviewed with all board members upon their swearing in.

We would be happy to assist your organization in creating a policy, or in scheduling a custom training session. Contact us here to learn more.



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